

PATENT

Appellants: Michael P. Schoemann et al.
Serial No.: 10/709,382
Filed: April 30, 2004
Art Unit: 3612
Examiner: Kiran B. Patel
Title: DOOR TRIM PANEL WITH DUAL DENSITY BOLSTER ARMREST
AND INTEGRATED COMPONENTS
Confirmation No.: 3381
Atty. Docket No.: MASL-37

Cincinnati, OH 45202

October 23, 2006

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL OF AMENDED APPEAL BRIEF (37 CFR § 41.37)

1. Transmitted herewith is an AMENDED APPEAL BRIEF in this application with respect to the Notice of Non-Compliant Appeal Brief mailed on September 22, 2006.

2. STATUS OF APPLICANT

☒ other than a small entity
☐ small entity

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 41.20(b)(2) the fee for filing the Appeal Brief is:

<input type="checkbox"/> small entity	\$250.00
<input checked="" type="checkbox"/> other than small entity	\$500.00

Appeal Brief fee was previously submitted

4. EXTENSION OF TIME

Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Fee for Extension of:	other than <u>small entity</u>	Fee for <u>small entity</u>
_____	one month	\$ 120.00	\$ 60.00
_____	two months	\$ 450.00	\$225.00
_____	three months	\$ 1,020.00	\$510.00
_____	four months	\$1,590.00	\$795.00

Fee: \$ 0.00

If an extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- [] An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

or

- (b) [X] Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal Brief fee:	<u>\$ 0.00</u>
Extension fee (if any):	<u>\$ 0.00</u>
Total Fee Due:	<u>\$ 0.00</u>

6. FEE PAYMENT

- [] Attached is a check in the sum of \$ _____
- [] Charge Account No. 23-3000 the sum of \$ _____,
a duplicate of this transmittal is attached.
- [] Charge Credit Card.

7. **FEE DEFICIENCY**

- [X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 23-3000.

and/or

- [X] If any additional fee for claims is required, charge Account No. 23-3000.

REMARKS

Applicants respectfully submit this Amended Appeal Brief in response to the Notice of Non-Compliant Appeal Brief mailed September 22, 2006. Applicants believe that the issues noted by the Examiner have been addressed. Applicants further believe that no fees are due with the submission of this Amended Appeal Brief. If any are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/Steven W. Benintendi/

Steven W. Benintendi

Reg. No. 56,297

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 241-6234 (fax)